

## ANTI-HARASSMENT & BULLYING POLICY

### 1. INTRODUCTION

We are an *equal opportunities employer*. This means that we will make every good faith effort to comply with the spirit and letter of the equality laws and other laws.

We will promote a good and harmonious working environment in which our employees will be treated with dignity and respect. We will not tolerate harassment on the protected equality grounds or bullying. The protected equality grounds are-

<b>Sex</b>	<b>Pregnancy or maternity</b>	<b>Gender reassignment</b>
<b>Marital or Civil partnership status</b>	<b>Religious or similar philosophical belief</b>	<b>Political opinion</b>
<b>Racial group</b>	<b>Sexual orientation</b>	<b>Disability</b>
	<b>Age</b>	

### 2. WHAT IS HARASSMENT?

The equality laws prohibit harassment in workplaces. Harassment, which includes sexual harassment, is defined as follows-

#### **Harassment**

Harassment occurs where a job applicant or employee is subjected to unwanted conduct on a protected equality ground and where that conduct has the purpose, or the effect, of violating their dignity, or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

#### **Sexual harassment**

Sexual harassment occurs where a job applicant or employee is subjected to unwanted verbal, non-verbal or physical conduct *of a sexual nature* and where that conduct has the purpose, or the effect, of violating their dignity, or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment also occurs where a person is treated less favourably than others for having rejected, or submitted to, unwanted conduct of the kind just described.

## **Types of misconduct**

Many forms of misconduct may amount to harassment; examples include:

- Physical misconduct such as assaulting a person, sexually or otherwise, or making obscene gestures
- Verbal misconduct such as making racist, sexist, sectarian or homophobic remarks; making derogatory comments about a person's age or disability; or singing songs of this nature
- Visual or written material containing racist, sexist, sectarian, homophobic or other derogatory words or pictures (e.g. in posters, graffiti, letters, emails, text messages or on social media posts)
- Isolating a person (e.g. "sending them to Coventry") or refusing to co-operate or help them at work or by excluding them from work-related social activities
- Forcing a person to offer sexual favours, or to take part in religious or political activities, or penalising them for rejecting such requests or pressure
- Intruding on a person's private space by pestering, stalking or spying on them whether on or off the business premises

## **Locations**

This policy exists to protect employees from being harassed in the course of their employment. As such, it applies to misconduct that might occur in various locations, such as, but not necessarily limited to:

- on the business premises during or outside working hours
- during work-related activities outside the business premises
- during work-related social events (e.g. Christmas parties), whether on the business premises or outside them
- on the internet or other telecommunication devices, such as social media, during or outside working hours

Harassment by third parties (i.e. customers, clients, etc.)

Although this policy and the associated grievance procedure is generally directed at protecting our employees from harassment of them by their co-workers, we recognise that employees could also be exposed to the same or similar misconduct from other people who we do not employ but who our employees may encounter during the course of their work, such as customers, clients, residents or patients (or their visitors).

We will take reasonably practicable steps to protect our employees from such third-party harassment and bullying as well.

### **3. WHAT IS BULLYING?**

There is no statutory definition of bullying for employment law purposes, but it is usually accepted that it is like harassment in the sense that it too is offensive, hostile or oppressive behaviour. The main difference is that bullying behaviour is not related to the equality grounds, but may be done for other reasons, such as jealousy or personal dislike or revenge or insecurity. It is usually repetitious and persistent.

### **4. IMPLICATIONS OF HARASSMENT & BULLYING**

Harassment and bullying can damage the health, confidence, morale and performance of employees who are affected by it. Harassment is unlawful under the equality laws. Harassment and bullying may also be civil or criminal offences and may contravene health and safety law.

Quite apart from the legal implications, harassment and bullying are contrary to the standards of behaviour that we expect of our employees or any third parties that our employees may encounter in the course of their work. Both types of behaviour are unacceptable in our workplace and are not permitted or condoned.

In the case of employees who commit harassment or bullying, we will treat such behaviour as misconduct which may warrant dismissal from employment, or other employment-related penalties as is appropriate.

In the case of third parties who commit harassment or bullying, we will treat such behaviour as misconduct which may warrant appropriate penalties, such as refusal of further service.

### **5. EMPLOYEES' RIGHTS**

Our employees have a right to work in a good and harmonious environment that is free from harassment and bullying and to complain in good faith about such behaviour should it occur.

We have established an internal procedure to deal with such complaints and we would encourage aggrieved employees to use it. All complaints will be dealt with seriously, promptly and confidentially.<sup>1</sup>

Our internal procedure does not replace the right of aggrieved employees to also pursue complaints to an Industrial Tribunal, the Fair Employment Tribunal or to the courts. Those who wish to consider that option may obtain advice from the Equality Commission in relation to incidents of harassment (telephone: 028 90 500 600), or from the Labour Relations Agency in relation to incidents of bullying (telephone: 03300 555 300).

Employees who make complaints in good faith, and others who give evidence or information in connection with such complaints, will not be victimised (i.e. they will not be discriminated against, harassed or bullied in retaliation for their actions).

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<sup>1</sup> Note (not for inclusion in the policy) – the Equality Commission has published a choice of two separate model procedures that employers may use to help them to draft their own harassment and bullying complaints procedures – see [www.equalityni.org/modelpolicies](http://www.equalityni.org/modelpolicies)

Victimisation is also discrimination contrary to the equality laws and this policy. We will treat it as misconduct which may warrant dismissal from employment, or other employment-related penalties as is appropriate.

## **6. EMPLOYEES' RESPONSIBILITIES**

All our employees must comply with this policy. They must treat each other with dignity and respect. They must not themselves commit any acts of harassment or bullying against any person, such as their co-workers, our job applicants or our customers. Such behaviour will not be permitted or condoned. We will treat it as misconduct which may warrant dismissal from employment, or other employment-related penalties as is appropriate.

All our employees should discourage harassment and bullying by making it clear that they find such behaviour unacceptable and by supporting co-workers who suffer such treatment. Any employee who is aware of any incidence of harassment or bullying should alert a manager or supervisor to enable us to deal with it.

## **7. EMPLOYER'S RESPONSIBILITIES**

We will continually make good faith efforts to implement this policy. The main responsibility for this will be carried out by the Council. But line managers and supervisors also have a special responsibility for implementing this policy on a day-to-day basis, especially in setting a good example for other employees to follow and for intervening where necessary to protect and reassure employees.

- To implement this policy, we will-
- provide all employees, line managers and supervisors with a copy of this policy.
- provide appropriate training to line managers and supervisors.
- ensure that all complaints of harassment and bullying are dealt with promptly, seriously and confidentially and in accordance with our internal procedure.
- set a good example by treating employees with fairness, dignity and respect.
- be alert to unacceptable behaviour and will take appropriate action to stop it.
- monitor all incidents of harassment and bullying and review the effectiveness of this policy periodically.